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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,858

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Douglas A. Campbell

3835-4001

6181

7590

02/11/2004

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New York, NY 10154

EXAMINER

OPIE, GEORGE L

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,858

Examiner

George L. Opie

Applicant(s)

Campbell et al.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 5 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 13-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-7.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☒ Other: Text docs for USP6,119,171 USP5,961,593

Art Unit: 2126

DETAILED ACTION

1. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

3. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabber et al. (U.S. Patent 5,961,593) in view of Alkhatib (U.S. Patent 6,119,171).

As to claim 1, Gabber teaches a client – server system designed to “allow the users to browse the server sites anonymously”, abstract

Transmitting a packet from at least one client (data received from a particular user, p5 3-27) to a deceiver (computer-executable)first routine ... associated, at least in part, with the user site, Id.)

Art Unit: 2126

Transmitting the packet from the deceiver to a controller (second routine ... transmits ... to proxy system, p7 1-16)

Receiving the resolved packet from the first server back to the controller (proxy system then ... receives data, p7 1-16)

Establishing a connection between the controller and a forwarder (Local proxy system 510 communicates with a central proxy system, p13 45-55)

Processing the resolved packet and storing data from the packet in the controller (proxy system 510 will receive data and compute requisite substitutes to process and maintain the user's information as an anonymous interface, Id.)

Routing the packet back to the forwarder (routine transmits the data to central proxy system 110a, p7 1-16)

Further processing the packet in the forwarder, where the packet is then transmitted to a second server (central proxy system then ... retransmitting browsing commands received from the particular user site to the server site, p15 10-17) and an ISP can be employed, such as (NETCOM can transmit the browsing commands to the target server, p7 28-34)

Gabber does not explicitly disclose the additional limitations detailed below.

Alkhatib teaches a domain name routing server, p8 15-34 that corresponds to the routing the packet to a first server to resolve the packet.

It would have been obvious to combine Alkhatib's teachings with Gabber's system for anonymous browsing because the domain name routing system would facilitate the client-server "course" of communications.

As to claim 2, Alkhatib (p11 40-56) teaches the packet sent from the client contains a request for a domain name resolution.

As to claims 3-4, Gabber (p7 1-44) teaches forwarding the packet to the controller which then obtains the target destination via a domain name server.

As to claims 5-8, Alkhatib (p3 28 – p4 21) teaches the packet containing an IP address for target site, the client address and the address of the forwarder.

As to claims 9 and 12, Alkhatib (p11 40-56) teaches the DNR server storing a time to live parameter for controlling session time in which correlation data

Art Unit: 2126

resides in the facility to maintain the mechanism for managing the anonymity interface.

As to claims 10-11, Gabber (abstract) teaches the concept of substituting system identifiers and addresses for translating/aliasing sites with proxies.

5. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.
- U.S. Patent No. 6,496,931 to Rajchel et al. which teaches the concealing client data by communication through router/controller entities; and,
- U.S. Patent No. 6,182,148 to Tout which teaches the interchanging information via translation/indirection units for facilitating network operations.

6. Response to Applicant's Arguments:

Applicant argues that the restriction requirement is improper because, in Applicant's opinion, separate searches are not required for examining the differently claimed inventions. Despite Applicant's assertions, the restriction requirement rightly follows the patent examination procedure as set forth in the MPEP, and it is clearly necessitated by the facts/claims in this case. Specifically, section 808 lays-out the "Reasons for Insisting Upon Restriction" and, in this case, abiding by 808, the restriction requirement made under section 806.05(d) shall be properly maintained on the separate inventions/claims as shown in the previous Office Action.

"Where the related inventions as claimed are shown to be distinct under the criteria of MPEP Section 806.05(c) -- Section 806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation **one of the following**:

- (A) Separate classification thereof
- (B) A separate status in the art when they are classifiable together
- (C) A different field of search . . . even though the two are classified together." M.P.E.P. § 808.02 (emphasis added)

In the instant case, paper no. 8, the Restriction Requirement clearly establishes separate classification of the inventions/claims. Considering the different uses and utilities detailed in the invention groupings as explained in the previous Office Action, the Restriction Requirement demonstrates distinct inventions; and, on this basis, the restriction is deemed to be appropriate and reasonable. Furthermore, MPEP § 803 states that "a serious burden on the examiner may be

Art Unit: 2126

prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP Section 808.02." Hence, the controlling sections of the MPEP and the particulars of this case, taken together, have established the requisite criteria to warrant restriction of the distinct inventions in this Application.

In light of the foregoing, the Restriction Requirement is maintained. To avoid any fees associated with the nonelected claims, Applicant should cancel the nonelected claims, because unless cancelled, nonelected claims will be included in determining the fees due in connection with a subsequent Amendment.

7. Contact Information:

PTO Policy for Facsimile Submissions:

- ☐ AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- ☐ OFFICIAL faxes must be signed and sent to (703) 746-7239.
- ☐ NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.


- ☐ All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.
- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

Art Unit: 2126

□ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



ZARNI MAUNG
PRIMARY EXAMINER